IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 1291 of 2006

SECRETARY,RAJ.KHADI GRAMODYOG BOARD &ANR
V/S
LAL SINGH

Mr. KK BISSA, for the appellant / petitioner

Date of Order : 9.5.2006

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the petitioner, and perused the record.

Learned Labour Court has found that the retrenchment compensation paid is deficit, inasmuch as, some of the amount was paid during pendency of the proceedings, and still it remained deficit, therefore, it has been found that the retrenchment is without complying with the provisions of Section 25-F. The other ground given is that after removal of the petitioner, two persons being Shri Jiledar Singh and Gajraj Singh were appointed, and this fact was brought to the notice of the Court by the workman vide application dated 11.9.2000, whereby the workman had requested the Court to direct the employer to produce the appointment orders and the letter dated 24.5.94 and 17.5.96, and that on this application, the learned Labour Court directed the petitioner to produce the documents mentioned in the application, or to file an

affidavit, and despite time being granted, the order was not complied with. Thereafter, the learned Labour Court recorded the evidence of the parties, and found that the petitioner is withholding the material.

True it is that at a much belated stage, the petitioner filed a purported reply to the application contending that the two persons were not appointed by the present petitioner, and an affidavit was enclosed deposing the contents of the application to be correct. In that view of the matter, it cannot be said that the learned Court below was in error in drawing adverse inference.

It is admitted position as admitted by the present petitioner in cross-examination that payments were made to the workman in three installments, inasmuch as, one cheque of Rs.5000/- was given, another cheque of Rs.499/- was given, and then yet another cheque of Rs.658/- was given.

Thus, it can very well be said that the amount of compensation as was required to be paid under Section 25-F had not been paid at the time of retrenchment, and rather sum of Rs.658/- was paid after around two years. In these circumstances, I do not find any sufficient ground to interfere with the impugned award.

The writ petition is, therefore, dismissed summarily.

(N P GUPTA),J.

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